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Barbara McNutt
Chief Counsel
Indiana Professional Licensing Agency

Indiana Economic Development Corporation

One North Capitol, Suite 700
Indianapolis, Indiana 46204
Tel 317.232.8800
Fax 317.232.4146
www.AccelerateIndiana.com

Dear Ms. McNutt:

Pursuant to IC 4-22-2-28, The Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small businesses associated with rule changes proposed by the Indiana Professional Licensing Agency ("IPLA") on behalf of the State Board of Massage Therapy ("Board") and contained in LSA Document 08-351. The proposed rule adds 847 IAC to establish definitions, requirements for education, examination and certification, certification renewal requirements, and standards of competent practice of message therapy. The Board was established in 2008 pursuant to Senate Enrolled Act 320-2007. The types of businesses that will be affected by this proposed rule are those independent massage businesses, spas, beauty salons, occupational therapy and physical therapy clinics, long term care facilities, hospice or home care agencies, hospital based clinics, chiropractic offices, dental offices, hotels, and athletics departments of some schools that provide massage therapy services. The Board does not currently have the information necessary to determined how many of these entities may be classified as small businesses.

Based on information available at the time of rule promulgation, the IPLA has determined that the proposed rules will have an insignificant impact on affected small businesses. While the rule establishes a record keeping requirement for small businesses, the cost is expected to be insignificant. Costs may be incurred through the requirement that certificate holders maintain client files and business records for at least four (4) years from the date of service. If any massage therapists work in health services settings, they are already required to maintain records for a minimum of seven (7) years under IC 16-39. Thus, this provision would not add any incremental costs for those businesses. The purpose of the record keeping requirement is to provide a level of protection to consumers of massage therapy services. Consumers should be able to acquire copies of their records if needed.

The IEDC does not object to the economic impact to small business associated with this proposed rule. The IPLA anticipates that the impact on small business is insignificant and, in many cases, only requires businesses to continue the record keeping system that they have already implemented. Importantly, this rule is necessary to satisfy the requirements of Senate Enrolled Act 320-2007. The provisions this rule will help to ensure that consumers are provided with the highest level of care.

If you have any questions about the comments contained herein please contact me at 232-8962 or rasberry@iedc.in.gov.

Regards,

Ryan Asberry
Assistant Vice President